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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE SECOND PART* OF THE 53rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 March 1992, at 10.40 a.m.

Chairman: Mr. SOLT (Hungary)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus

(b) Situation of human rights in occupied Kuwait (continued)

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* The summary record of the first part (closed) of the meeting appears as document E/CN.4/1992/SR.53.

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GE.92-11741/9004a

CONTENTS (continued)

Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (continued)

Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (continued)

The public meeting was called to order at 10.40 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(agenda item 12) (continued)

1. The CHAIRMAN said that the Commission had concluded its consideration of agenda item 12 (c) and had decided to end its review of the situation of human rights in Myanmar under the 1503 (XLVIII) procedure, following the adoption, at its 52nd meeting, of draft resolution E/CN.4/1992/L.25/Rev.1 establishing a public procedure.

ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (agenda item 23) (continued) (E/CN.4/1992/56 and Add.1-5)

2. At the invitation of the Chairman, Mrs. Galvis (Colombia), Rapporteur, acted as teller.

3. A vote was taken by secret ballot.

Number of ballot papers:	50
Invalid ballots:	1
Number of valid ballots:	49
Abstentions:	none
Required majority:	26
Number of votes obtained:	
Mr. Bíró:	24
Mr. Boutkevitch:	15
Ms. Michalska:	10

4. No candidate having obtained the required majority, a second vote was taken by secret ballot.

5. At the invitation of the Chairman, Mrs. Galvis (Colombia), Rapporteur, acted as teller.

Number of ballot papers:	48
Invalid ballots:	1
Number of valid ballots:	47
Abstentions:	none
Required majority:	25
Number of votes obtained:	
Mr. Bíró:	24
Mr. Boutkevitch:	15
Ms. Michalska:	8

6. The CHAIRMAN said that, as no candidate had obtained the required majority, another vote would be taken by secret ballot at a later stage. He suggested that the parties concerned should continue their consultations.

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 21)(continued) (E/CN.4/1992/53)

7. Mr. SEZGIN (Observer for Turkey) said that his delegation attached particular importance to the draft declaration which would be the first universal text dealing exclusively with the right and responsibility of individuals, groups and organs of society to protect human rights and fundamental freedoms.

8. The history of the struggle for the protection and promotion of human rights and fundamental freedoms had been primarily one of the individual against the arbitrary action and power of the State. It was therefore quite normal that rights and freedoms should be regarded as, in the first place, coming within the sphere of State-individual relations and that the relevant standards should be elaborated primarily within the context of those relations. However, the fact was that the State was not the sole source of threats against rights and freedoms. As article 30 of the Universal Declaration of Human Rights indicated, rights and freedoms could also be threatened with destruction by the activities of individuals and groups.

9. The increasing growth in some societies of racist and xenophobic movements developed outside the framework of the State, terrorism and efforts to legitimize violence constituted the most disturbing examples. Fortunately, there were other elements in society which reacted by peaceful means in order

to contain those threats. The various forms of such peaceful reaction were, undoubtedly, to be regarded as in accordance with the approach highlighted in the last preambular paragraph of the Universal Declaration.

10. It was in that spirit that his delegation had proposed, during the first reading of the draft declaration, the inclusion of the following text in article 3 of chapter III: "Everyone has the right, individually and in association with others, to oppose through peaceful means activities and acts perpetrated by any State, group or person and aimed at the destruction of human rights and fundamental freedoms". Without such a paragraph, the declaration might be regarded as incomplete.

11. In conclusion his delegation welcomed the support given to the proposal by a number of delegations and was confident that, during the second reading of the text, its inclusion would be confirmed.

12. Mr. WADLOW (International Fellowship of Reconciliation), speaking on behalf of Human Rights Advocates (HRA) and his own organization (IFOR), said that human rights defenders were in the front line of the non-violent struggle for human dignity, and deserved close consideration by the Commission. The situation of human rights defenders was often an indication of future trends within a society. Thus, the degree of liberty for the work of human rights defenders served as a guideline for the condition of liberty and the democratic spirit of society as a whole. Similarly, repression and violence against those who organized to advance human rights often spread to larger segments of the public.

13. In that regard, he said that there had recently been allegations of massacres in Nagorno Karabakh. IFOR and HRA deplored any senseless loss of life, especially among the civilian population. In view of the conflicting reports, he called upon the parties concerned to allow international non-governmental human rights organizations to conduct a full investigation of the allegations.

14. The latest aggravation of the situation in Nagorno Karabakh underscored the important role that the international community could play in the search for a peaceful solution and respect for human rights. The situation was extremely dangerous, not only for the people immediately involved but also for the entire area. There were ethnic and national aspects to the conflict, but people were not prisoners of their ethnic identities. New forms of cooperation among people living in the area needed to be found, but a search for such cooperation could not be undertaken in a war situation.

15. Therefore, in their statements to the Commission, IFOR and HRA had called for the intervention of United Nations observers and peace-keeping forces and had suggested that troops from the Russian Federation could become ad hoc "blue helmets", while the troops from other United Nations Member States were being prepared. Subsequently, the head of the Russian Federation delegation had said that appeals for a cease-fire and mutual restraint were of no use and that that most dangerous hotbed of human rights violations called for immediate mediation and, probably, other efforts by the international community.

16. IFOR and HRA called upon the Commission, the Secretariat and the non-governmental participants in the Commission's session to consider urgently what must be done to avert greater violence and how best to carry out the necessary measures for peace-keeping.

17. In 1988, the human rights defenders in Nagorno Karabakh and Armenia had been playing an increasingly positive and self-disciplined role. They had become not only defenders of the rights of Armenians but also a vanguard force in the struggle for perestroika and, as such, an example to other Republics within the former Soviet Union. However, as their work had become more effective, so repressive measures had begun to be applied against them. No adequate intergovernmental mechanism had come to their defence. If the declaration on human rights defenders had existed and if the international community had responded to their appeals, the world might not be facing the current tragic situation in that area.

18. He was certain that the Commission would take speedy action to help to decrease the violence and human rights violations in Nagorno Karabakh and that the defence of human rights workers would be a central priority in its work.

19. Mr. EYA NCHAMA (African Association of Education for Development) said that on 26 February and 1 March 1992, African non-governmental organizations had met at Tunis to prepare for the eleventh session of the African Commission on Human Rights. In that connection, he wished to thank publicly the Tunisian Human Rights League, the Arab Human Rights Institute, the International Commission of Jurists and the Government and people of Tunisia.

20. At the end of the meeting, the African non-governmental organizations had adopted a motion of solidarity with the members and leaders of African human rights movements in which they had declared, inter alia, that the growing number of human rights defence associations in Africa confirmed the importance of the fight for the rights of the human person and the establishment of a state of law; that respect by the authorities for the freedom of organization of human rights defenders within autonomous associations was an urgent necessity; that no interference by the authorities in the membership procedures and operating methods of those associations could be tolerated; that human rights defenders nevertheless frequently encountered negative legislation and administrative red tape designed to limit their capacity for organization and action; and that international solidarity was therefore more than ever essential in order to ensure the unhampered functioning of free human rights defence associations.

21. They had further stated that the cowardly murder of the Vice-Chairman of the Human Rights League of Chad was a heinous crime which must not remain unpunished; that the participants in the meeting strongly protested against that crime, calling on the Chadian authorities to do everything possible to shed light upon its circumstances.

22. In the Côte d'Ivoire, the President of the Republic had refused to have the military personnel responsible for the murder of students of the University of Abidjan brought to trial, thus defying the conclusions of the Commission of Inquiry which the Government had been obliged to set up. The

presidential decision had given rise to clashes in Abidjan and the Government of the Côte d'Ivoire had reacted by attacking the opposition parties, including Members of Parliament and the Chairman of the Human Rights League of the Côte d'Ivoire, whose trial was taking place in disquieting circumstances. The participants in the meeting therefore strongly reaffirmed their solidarity with the members of that League.

23. In conclusion, he said that there was a definite need for a declaration on the rights and responsibilities of individuals, groups and society to promote and protect universally recognized human rights and fundamental freedoms, since human rights defenders could be faced in the future with increasing difficulties.

24. The CHAIRMAN said that the Commission had concluded its consideration of agenda item 21.

The meeting rose at 11.50 a.m.